IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1806 OF 2005

Netrada Nandakumar Sadwilkar ... Petitioner

V/s.

State of Maharashtra and ors. ... Respondents

Mr. Vijay Patil i/b. with Mr. V.C. Ghosalkar for petitioner.
Mr. G.W. Mattos, AGP for respondent Nos. 1 to 3.
Mr. V.A. Gangal with Mr. Sachin Punde for respondent No. 5.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : 11th September, 2006

P.C.

. Rule. Heard forthwith.

2. Petitioner approached this Court earlier by way of Writ Petition (L) No. 2196 of 2004. The petition was disposed of on 6th September, 2004 on the statement being made by the Counsel for MHADA that eligibility of the petitioner will be decided by MHADA within six weeks from the date of the order. It appears that the officer did hear the matter, but, by his order dated 18th February, 2005, has declined to take decision. This clearly prima facie would sound in contempt. In the light of that we direct the respondent No. 3 to take a decision within four weeks from today, after hearing the petitioner and

respondent No. 5 as to whether the petitioner is eligible to be admitted as a member before respondent No. 5. The learned counsel for respondent No. 5 points out that he has already been admitted as a member and a flat has been allotted.

3. On 9th March, 2005 a statement was recorded that possession of the flat would not be handed over to respondent No. 5. That order be continued till the decision by the respondent No. 3 and for a period of four weeks thereafter. If the petitioner is held to be eligible for membership before respondent No. 5, the society to take a decision of allotment of the flat of which possession is not handed over according to law.

4. With the above observations, the petition is disposed of.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]